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EXTRAORDINARY

BANGALORE, SATURDAY, JUNE 17, 1950.

PART IV

Section 2-A.

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

Order No. L.D. 760--Legis. 19-50-1, dated Bangalore, 17th June 1950.

Ordered that the accompanying Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, which was promulgated by His Highness the Maharaja, on the eleventh day of June 1950 be published as Mysore Ordinance No. III of 1950, in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department

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MYSORE ORDINANCE No. III OF 1950.

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) ORDINANCE, 1950.

(Promulgated on the eleventh day of June 1950).

An ordinance to provide for temporary protection of tenants in alienated villages in Mysore and to ensure that such tenants are not deprived of the usual amenities reserved for the use of the village community.

Preamble.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to provide, pending further legislation, for the temporary protection against eviction of tenants in alienated villages and also to ensure that the tenants are not deprived of the usual amenities by the disposal of trees and to prevent the alienation of reserved land or lands in the possession of tenants :

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance :

Short title, extent and commencement.

1. (1) This Ordinance may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950.

(2) It extends to the whole of Mysore and shall apply to all alienated villages in Mysore.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context :—

(1) "alienated village" includes a Khayamgutta village ;

(2) "reserved land" means, in an alienated village to which the provisions of Chapters VIII and IX of the Mysore Land Revenue Code, 1888, have been applied, all lands which have been reserved under section 39 of the said Code, and, in an alienated

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village to which Chapters VIII and IX of the said Code have not been applied, all land other than—

(*a*) land held by Kadim tenants or permanent tenants; or land in the possession of tenants at will, and

(*b*) land in the possession of the holder of the alienated village and cultivated by himself or by his own servants or by hired labour, continuously since the 1st day of July, 1946.

(3) All other expressions shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888.

Bar against eviction of tenant.

3. Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months from the date of commencement of this Ordinance the rent or land revenue due in respect of the land up to and including the year ending with the 30th day of June, 1949, and is willing to hold or continue in possession of the land thereafter as a tenant on the same terms and conditions on which he was holding, or was in possession of, the same on the said 1st day of July, 1946:

Provided that, subject to the provisions of section 4, the protection afforded by this section shall continue only so long as the rent or land revenue for any year is tendered by the tenant to the superior holder, or any person acting on his behalf, before the expiry of the 30th day of June of that year.

Rent to be reduced or suspended in certain cases.

4. When owing to inadequate rainfall in any tract the State Government orders the suspension or remission of assessment in respect of lands in the said tract, the rent or land revenue payable by a tenant in an alienated village in the said tract to his superior holder shall be deemed to have been suspended or remitted in the same proportion as the assessment due to the State Government—

in such tract in respect of unalienated villages is suspended or remitted.

Revival of rights, liabilities and obligations after the expiry of the Ordinance.

5. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment, decree or order of any court, or under any contract between the parties, immediately before the commencement of this Ordinance or which may be acquired, accrued or incurred, during the period this Ordinance remains in force, but the enforcement of which has been stayed by the provisions of this Ordinance shall, notwithstanding anything contained in section 6 of the Mysore General Clauses Act, 1899, immediately on the expiration of this Ordinance revive and be enforceable as if this Ordinance had not been promulgated.

In computing the period of limitation for the enforcement of any such right, privilege, obligation, or liability, the period during which the proceedings in respect thereof are stayed under this Ordinance shall be excluded, notwithstanding anything contained in any law for the time being in force.

Prohibition of alienation of reserved lands.

6. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, sell, mortgage, lease or otherwise assign or alienate any reserved land or land in the possession of tenants in any alienated village.

(2) Notwithstanding anything contained in any law for the time being in force, any sale, mortgage, lease or other assignment or alienation of any reserved land or of land in the possession of tenants effected

(i) after the 1st day of July, 1948 ; or

(ii) after the commencement of this Ordinance in contravention of sub-section (1),

shall be void and shall have no effect :

Provided that any sale, mortgage, lease, or other assignment or alienation effected after the 1st day of July, 1948, and before the commencement of this Ordinance shall not be void, if such sale, mortgage, lease, assignment or alienation is confirmed by the Deputy Commissioner on the ground—

(*a*) that the transaction has been entered into in good faith ; or

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(*b*) that the transaction has been entered into for valuable consideration; or

(*c*) that confirmation is necessary for maintaining the agricultural economy of the State.

Prohibition of disposal of trees.

7. (1) Notwithstanding anything contained in any law for the time being in force, no person shall fell, lop, sell or otherwise dispose of, any tree, in an alienated village, except under the orders in writing of the Deputy Commissioner:

Provided that the State Government may, by notification in the *Mysore Gazette*, exempt any specified class or classes of trees from the operation of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Appeals and revision.

8. (1) Any person aggrieved by any order of a Deputy Commissioner under this Ordinance may, within thirty days of the date of communication of the order, appeal to the Revenue Commissioner; and the decision of the Revenue Commissioner on such appeal shall, subject to the provisions of sub-section (2), be final.

(2) The State Government may, in its discretion, call for and examine the record of any order passed by the Deputy Commissioner or the Revenue Commissioner for the purpose of satisfying itself as to the propriety of such order and may pass such order in reference thereto as it thinks fit.

Deputy Commissioner to sanction prosecutions.

9. No prosecution for any offence punishable under this Ordinance shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Bar of jurisdiction.

10. (1) No notification issued or order made in exercise of any power conferred by or under this Ordinance, shall be called in question in any Court of Law.

(2) No suit or other legal proceeding shall lie against the State Government, the Revenue Commissioner or the Deputy Commissioner or any other person in respect of any damage caused or likely to be caused by anything

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in good faith done or intended to be done in pursuance of this Ordinance or of any rules made thereunder.

Rules.

11. The State Government may by notification in the *Mysore Gazette* make rules to carry out the purposes of this Ordinance.

Repeal and savings.

12. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) (Emergency) Act, 1949, (LXXVI of 1949), is hereby repealed. But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Ordinance, as if this Ordinance had come into force on the twelfth day of December 1949.

JAYACHAMARAJA WADIYAR,
Maharaja of Mysore.

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